

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

WILLIE RAY BOUNDS,

Plaintiff,

v.

Case No. 14-C-713

**HEALTHSPAN, INC.,
HOLLY NYGRA, and
SHERRY RENO,**

Defendants.

DECISION AND ORDER

Pro se Plaintiff Willie Ray Bounds (“Bounds”) seeks leave to proceed *in forma pauperis* on his civil action against Defendants HealthSpan, Inc. (“HealthSpan”), his former employer; Holly Nygro (“Nygro”); and Sherry Reno (“Reno”) arising from the February 19, 2014, termination of his employment as a caregiver. (ECF No. 2.) Bounds filed a verified Complaint.¹ (ECF No. 1.) Liberally construed, Bounds states that his employment was terminated based on false claims of client abuse that were not fully investigated, and that Nygro and Reno were present at the meeting where his employment was terminated. He also states that in October and November 2013 he

¹ By declaring under penalty of perjury that the Complaint is true, and by signing it, Bounds converted the factual assertions in the Complaint, that are based on personal knowledge and would be admissible into evidence, into an affidavit. *See Ford v. Wilson*, 90 F.3d 245, 246 (7th Cir. 1996). The Court notes, however, that Bounds was not truthful in his Complaint. He falsely answered “no” to question I.B. regarding prior federal and state lawsuits. Bounds filed three prior actions in this District: *Bounds v. United Parcel Serv.*, No. 98-C-658; *Bounds v. River Hills West Healthcare Center*, No. 08-C-745; and *Bounds v. Cardinal Stritch University*, No. 11-C-74. Bounds is advised that making false statements under penalty could subject him to criminal prosecution.

and the house manager “Dantrell” had issues with each other and Bounds “filed” with the American Civil Liberties Union (“ACLU”). (Compl. 3.) Bounds also states that Nygro, the director, threatened him pertaining to this issue. Although it is not entirely clear, the Court infers that the issue was the alleged client abuse. Bounds also attached a dismissal and notice of rights from the Equal Employment Opportunities Commission (“EEOC”).

In order to authorize a litigant to proceed *in forma pauperis*, the Court must make two determinations: First, whether the litigant is unable to pay the costs of commencing this action; and second, whether the action is frivolous or malicious. 28 U.S.C. §§ 1915(a)(1) and (e)(2)(B)(i).

By his petition and affidavit to proceed *in forma pauperis*,² Bounds avers that he is employed, single, and has no legal dependents. He lives at home with an ill parent and each of them pays half of the living expenses. Bounds earns \$850 per month. Bounds does not own any valuable property that might be worth more than \$1,000. He has \$36.50 in a checking account. His monthly expenses of \$829 include \$250 for rent, \$150 for groceries, \$200 for utilities, \$54 for a cell phone, and \$175 for clothing. Bounds also indicates that he pays toward his bank but does not list any amount.

² Some of the facts and figures are different than those provided three days later in *Bounds v. Nurses Now LLC et al.*, No. 14-C-723 (E.D. Wis.).

Because Bounds was not truthful (see footnote one) in his Complaint, the Court will require Bounds to support his affidavit with records from his current employer(s) and bank as to his financial status. In the Court's view, Bounds has not satisfied the requirements of 28 U.S.C. § 1915(a) and will be required to pay the fee for filing this action unless further documentation in support of his petition and affidavit is offered. The cost of filing this civil action is \$400.00. This includes the \$350.00 statutory filing fee and a \$50.00 administrative fee. If Bounds fails to comply with this Court's order by the stated deadline, this action will be dismissed for lack of prosecution without further order of the Court.

NOW, THEREFORE, BASED ON THE FOREGOING, IT IS HEREBY ORDERED THAT:

Bounds' motion for leave to proceed *in forma pauperis* (ECF No. 2) is **DENIED**, and

On or before July 28, 2014, Bounds must pay the \$400 cost for filing this action or may file further documentation in support of his petition and affidavit for leave to proceed *in forma pauperis*.

Dated at Milwaukee, Wisconsin, this 27th day of June, 2014.

BY THE COURT:


HON. RUDOLPH T. RANDA
U.S. District Judge